



AGENDA | REGULAR TOWN COUNCIL MEETING

May 10, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth

Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray

Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone

Interim Town Clerk: Julie Reid | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

CN1 Julie A. Reid, Interim Town Clerk

Motion to approve the minutes of the April 26, 2022 meeting of the Regular Town Council Meeting.

CN2 Julie Reid, Interim Town Clerk

Motion to approve the Apex Tax Report dated April 3, 2022.

CN3 Laurie Hohe, Town Attorney

Motion to approve 3 year contract renewal with LexisNexis.

CN4 Shawn Purvis, Assistant Town Manager

Motion to set the Public Hearing concerning the proposed Fiscal Year 2022-2023 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1), for Tuesday, May 24, 2022 at 6:00 p.m. at the Apex Town Hall.

CN5 Vance Holloman, Finance Director

Motion to approval the contract for audit services for the 2022 fiscal year with Cherry Bekaert LLP of Raleigh, North Carolina.

CN6 Steve Maynard, Purchasing and Contracts Manager

Motion to approve report of award of contract to National Transformer Sales for 3 Phase Pad Mount and Single Overhead Transformers.

- CN7 Steve Maynard, Purchasing and Contracts Manager
Motion to approve report of award of contract to Crossroads Ford of Apex for the purchase of a 2022 F750 Chipper Truck.
- CN8 Jacques K. Gilbert, Mayor
Motion to appoint Sarah Soh as a new Planning Board member.
- CN9 Sarah Van Every, Senior Planner
Motion to set Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #22CZ01 Arden at Summit Pines PUD. The applicant, Collier Marsh, FC Apex, LLC., seeks to rezone approximately 11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8200 Jenks Road.
- CN10 Lauren Staudenmaier, Planner II
Motion to set Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #21CZ31 Sears Property PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 2108 Old US 1 Highway.
- CN11 Sarah Van Every, Senior Planner
Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 24, 2022, on the Question of Annexation - Apex Town Council's intent to annex the R. Michael Strickland Trustee of Family Trust property containing 13.541 acres located at 8200 Jenks Road, Annexation #727 into the Town's corporate limits.
- CN12 Dianne Khin, Director of Planning and Community Development
Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation - Apex Town Council's intent to annex the Peak 360, LLC property containing 7.6631 acres located at 7825 and 7809 Jenks Road, Annexation #732 into the Town's corporate limits.
- CN13 Amanda Bunce, Current Planning Manager
Motion to set the Public Hearing for the May 24, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).
- CN14 Russell H. Dalton, PE, Traffic Engineering Manager

Motion to approve an Agreement with NCDOT for up to \$1,395,356 in federal funds, up to 80% reimbursement, of the total cost of right of way acquisition, utility relocation, and construction of project BL-0047, Downtown Apex Safe Routes to School, and to authorize the Town Manager to execute the agreement on behalf of the Town.

CN15 Russell H. Dalton, PE, Traffic Engineering Manager

Motion to approve a Review and Oversight Agreement with NCDOT for design review and project oversight activities for project BL-0047, Downtown Apex Safe Routes to School, requiring payment of a \$10,000.00 deposit, and to authorize the Town Manager to execute the agreement on behalf of the Town.

CN16 David Hardin, Water Resource Specialist

Motion to approve the Triangle Area Water Supply Project Phase IX Five-Year Interlocal Agreement and to authorize the Town Manager to execute it on behalf of the Town.

CN17 Michael S. Deaton, PE, Director

Motion to approve an agreement with Itron and to authorize the Town Manager to execute the agreement on behalf of the Town.

PRESENTATIONS

PR1 Mayor and Council

Presentation of LGBTQIA Pride Month 2022 Proclamation

PR2 Mayor and Council

Presentation of Azerbaijan Republic Day Proclamation

PR3 Mayor and Council

Presentation of National Safe Boating Week (May 21-27, 2022) Proclamation

PR4 The applicant has asked that this item be postponed.

PR5 Mayor and Council

National Public Works Week Proclamation

PR6 Jason Armstrong, Chief of Police

Presentation of National Police Week Proclamation

PR7 Vance Holloman, Finance Director

Presentation of an update on the Town's Customer Assistance Program and the financial condition of the Town's major operating funds.

REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions.

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address items that appear as Public Hearings scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group.

Comments must be limited to 3 minutes to allow others the opportunity to speak.

PUBLIC HEARINGS

PH1 Lauren Staudenmaier, Planner II

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Wake County, Annexation 723 into the Town's corporate limits.

AND

PH2 Lauren Staudenmaier, Planner II

Continued from the April 26, 2022 Town Council meeting.

Public Hearing and possible motion to approve Rezoning Application #22CZ04 804 & 808 Wimberly Road and Ordinance. The applicant, Zak Shipman, Shipman Engineering, PLLC., seeks to rezone approximately 5.84 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 804 & 808 Wimberly Road.

PH3 Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Wake County, Annexation 730 into the Town's corporate limits.

PH4 Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town's corporate limits.

PH5 Shelly Mayo, Planner II

Public hearing and possible motion to approve Rezoning Application #21CZ29 North Salem Station PUD. The applicant, Ana Wadsworth with The Wooten Company, seeks to rezone approximately 10.39 acres from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St.

PH6 Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding amendments to the Unified Development Ordinance (UDO) related to the creation of the Downtown Festival District and other associated amendments.

PH7 Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

OLD BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION

CS1 Steve Adams

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the town's position with respect to property acquisition.

WORK SESSION

ADJOURNMENT